7.42.



I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on <u>December 22, 2004</u>

Susan L. Eick

Crame

Signature

December 22, 2004

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pankewycz

Serial No.: 10/795,766

Filed: March 8, 2004

For: Novel Human Gene with Immunoregulatory and Anti-Proliferative Properties

REQUEST FOR EXPRESS ABANDONMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants have received a communication from the PTO dated October 4, 2004 imposing a Restriction Requirement.

Applicants herewith submit that the instant application is being abandoned in favor of a continuation-in-part filed on October 22, 2004, which has a serial no. of 10/972,233.

If any fee is due for the instant application so as to maintain co-pendency for the CIP, the PTO is authorized to charge it to Deposit Account No. 08-2442.

Respectfully submitted,

Ranjana Kadle

Reg. No. 40,041

Hodgson, Russ LLP One M&T Plaza, Suite 2000 Buffalo, New York 14203 (716) 848-1628

Date: December 22, 2004

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